IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.8501/2007.

Somdutt
Vs.
Kailash & Anr.

Date of order : 11/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Bhanu Pareek for the petitioner.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) The petitioner has challenged the order dated 20/7/2007 whereby, the learned Additional District and Sessions Judge, Behror admitted the appeal of the respondents without considering the application u/S.5 of the Limitation Act, 1963 for condonation of 15 days delay.

3) Learned counsel for the petitioner has argued that the appellate court has not assigned any reason in the impugned-order as to why it felt satisfied that there is no necessity of

considering the application for condonation of delay or delay was satisfactory explained inasmuch as, the explanation of delay tendered by the respondents in their application for condonation which was neither convincing nor sufficient so as to admit the appeal.

4) Having heard learned counsel for the petitioner and perused the material on record, I find that even though the learned appellate court has not recorded the detailed reasoning in its order regarding explanation for delay given in the application filed by the appellant-respondents but in its order, the learned appellate court categorically states that the sufficient reasons were stated in the application, hence, the delay is condoned.

5) On perusal of the application, I find that the respondents have pleaded the factum about their illness and because of that reason, the delay has been condoned by the appellate court.

I do not find any reason to interfere with the impugned-order in this writ petition. The same is therefore dismissed.

(MOHAMMAD RAFIQ), J.

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